

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

CINDY SABAN, JEFFREY DEAN  
SABAN, and COREY SABAN,

No. 3:19-cv-01882-JR

ORDER

Plaintiffs,

v.

LAKE OSWEGO POLICE DEPARTMENT  
and MARK ANDERSON,

Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge Russo issued a Findings and Recommendation on May 19, 2021, in which she recommends that this Court grant Defendants' Motion for Summary Judgment and enter judgment dismissing this case. F&R, ECF 26. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Plaintiffs filed timely objections to the Magistrate Judge's Findings & Recommendation. Pls. Obj., ECF 28. When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

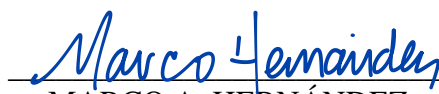
The Court has carefully considered Plaintiffs' objections and concludes that there is no basis to modify the Findings & Recommendation. Defendants are entitled to qualified immunity. *See Malley v. Briggs*, 475 U.S. 335, 344–45 (1986) (“Only where the warrant application is so lacking in indicia of probable cause as to render official belief in its existence unreasonable will the shield of immunity be lost.”); *Messerschmidt v. Millender*, 565 U.S. 535, 536–47 (2012) (“[W]e have recognized an exception allowing suit when it is obvious that no reasonably competent officer would have concluded that a warrant should issue.” (internal quotation and citation omitted)). The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings & Recommendation.

### CONCLUSION

The Court ADOPTS Magistrate Judge Russo's Findings and Recommendation [26]. Therefore, Defendants' Motion for Summary Judgment [17] is GRANTED and this case is dismissed.

IT IS SO ORDERED.

DATED: October 30, 2021.

  
MARCO A. HERNÁNDEZ  
United States District Judge